



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,004	01/28/2000	Daniel Yellin	P-1592-US1	1644

7590 02/03/2003

Eitan, Pearl, Latzer & Cohen Zedek, LLP.  
10 Rockefeller Plaza  
Suite 1001  
New York, NY 10020

EXAMINER

CHUNG, PHUNG M

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/493,004	YELLIN, DANIEL
	Examiner Phung M. Chung	Art Unit 2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 May 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-3,5-14,18,21-25 and 28-32 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3, 5-14,18, 21-25 and 28-32 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

Art Unit: 2133

1. In the Background of the Invention (for example):

Page 1, lines 3-5, "A mathematical theory of communication"

by Bell System Technical Journal, 27, 1948, C.E. Shannon ,

Page 2, lines 1-3, "Salz and Zehavi",

Page 4, lines 1-3, "Methods for quantizing the input to a soft decoder operating over a static AWGN channel" by Onyszchuk et al.,

Page 6, lines 7-9, "(see for example: G.C. Clark Jr and J.

Bibb Cain "Error- Correction Coding for Digital

Communications" Chapter 5", these articles are noticed.

However, Applicant is requested to submit the aforementioned articles so that Examiner can consider them fully.

In the Summary of the Invention:

Applicant is requested to submit or replace a new Summary of the Invention. This is because the old Summary had been deleted as requested by applicant.

Page 2, lines 1-3, "Unfortunately,...ad-hock solutions are often used" is not clear as to what it means.

In addition, line 2, "(see e.g. Salz and Zehavi)" where is it? and "ad-hock solutions" what are these solutions?

Art Unit: 2133

2. Claims 1-3, 5-14, 18, 21-25 and 28-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, line 4, "the fading characteristics" does not have a clear antecedent basis;

Lines 6-7, "determining a quantization correction command" this is not clear how it is determined. The essential step of how the quantization correction command is determined is missing, and what is means by quantization correction command? Where is a quantization error? How to correct it?

As per claim 6, line 3, "the RMS" does not have a clear antecedent basis and "RMS" should be spelled out; and

Line 4, "the samples" does not have a clear antecedent basis.

As per claim 9, line 3, "the RMS" does not have a clear antecedent basis.

As per claim 11, line 2, "said samples" does not have a clear antecedent basis.

As per claim 14, line 7, "the fading characteristics" does not have a clear antecedent basis.

As per claim 18, line 7, "the fading characteristics" does not have a clear antecedent basis;

Line 15, "the demodulated segment" does not have a clear antecedent basis, and "said at least one segment" does not have a clear antecedent basis.

As per claim 22, line 14, "the estimated fading" does not have a clear antecedent basis.

As per claim 23, "DS-CDMA" should be spelled out.

As per claim 24, lines 2-3, "the channel taps of selected fingers" does not have a clear antecedent basis.

As per claim 28, lines 2-4, "quantizing...said channel" there is only a single quantizing step in the body of the claim. For a method claim, the body of the claim should be followed by a sequence of steps; and

Line 3, "a quantization correction command" where is the quantization error? A correction is required.

As per claim 29, line 5, "a quantization correction command" is not clear how it is determined and where is the quantization error?

As per claim 30, lines 2-3, "a processor...command" is not clear how it produce the quantization correction command?

As per claim 31, line 3, "a quantization correction command" is not clear as to what it means, where it is coming from and where is the quantization error?

As per claim 32, lines 2-3, "said processor...said channel" is not clear how it determined the quantization correction command from the fading characteristics of the channel?

Note that all of other dependent claims are also rejected because they dependent upon the rejected base claims.

3. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung M. Chung whose telephone number is (703) 305-9686. The examiner can normally be reached on T-F (every Monday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decay can be reached on (703) 305-9595. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

Application/Control Number: 09/493,004

Page 6

Art Unit: 2133

  
Phung M. Chung  
Primary Examiner  
Art Unit 2133

pmc

January 27, 2003